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**Introduced by Senator Burton**

February 8, 1999

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An act to repeal Section 26401.5 of the Education Code, relating to the State Teachers' Retirement System.

LEGISLATIVE COUNSEL'S DIGEST

SB 318, as introduced, Burton. State Teachers' Retirement System: benefits.

The State Teachers' Retirement Law provides that a member of the Defined Benefit Plan who is employed by more than one employer, as specified, cannot make an election to participate in the Cash Balance Plan unless all of the member's employers participate in that plan.

This bill would delete that provision.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 26401.5 of the Education Code is  
2 repealed.  
3 ~~26401.5. (a) A member of the Defined Benefit Plan~~  
4 ~~who is employed by more than one employer to perform~~  
5 ~~creditable service for less than 50 percent of the full-time~~  
6 ~~equivalent for the position with each employer shall not~~  
7 ~~be eligible to make an election as provided in Section~~  
8 ~~26401 unless and until all employers by which the~~  
9 ~~member is employed to perform creditable service~~  
10 ~~provide the benefits of this part for their employees.~~

1   ~~(b) If a member of the Defined Benefit Plan who~~  
2   ~~pursuant to subdivision (a) has made an election as~~  
3   ~~provided in Section 26401 and is subsequently employed~~  
4   ~~to perform creditable service for an employer that does~~  
5   ~~not provide the benefits of this part for its employees,~~  
6   ~~contributions shall no longer be made to the Cash Balance~~  
7   ~~Plan on his or her behalf and creditable service~~  
8   ~~performed for all employers shall be subject to coverage~~  
9   ~~by the Defined Benefit Plan, with no subsequent right of~~  
10   ~~election pursuant to Section 26401 or subdivision (a).~~

